

Diamond Williams

100085-WU

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Tuesday, June 22, 2010 10:24 AM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; Trina Collins
Subject: Filing in Docket No. 100085-WU; Blackbear Reserve Water Company, Inc.'s Application for Certificate to operate Water Utility in Lake County, Florida
Importance: High
Attachments: PSC Clerk 01 (Objection to Application).ltr.06-22-2010.pdf

- a. Martin S. Friedman, Esq.
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- b. Docket No.: 100085-WU; Blackbear Reserve Water Company, Inc.'s Application for Certificate to operate Water Utility in Lake County, Florida - Filing Petitioner, Upson Downs Limited Partnership's Objection to the Application of Black Bear Reserve Water Company, Inc.
- c. Blackbear Reserve Water Company, Inc.
- d. 4 Pages.
- e. Letter to Commission Clerk - 1 page; and Objection to Application - 3 pages.

6/22/2010

DOCUMENT NUMBER DATE
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June 22, 2010

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Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RE: Docket No. 100085-WU; Blackbear Reserve Water Company, Inc.'s Application for
Certificate to operate Water Utility in Lake County, Florida
Our File No.: 38052.05

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Petitioner, Upson Downs Limited Partnership's Objection to the Application of Black Bear Reserve Water Company, Inc.'s Application for a certificate to operate a water utility in Lake County, Florida.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/tc
Enclosures

cc: Mr. Wayne Smith (w/enclosures) (via U.S. Mail)
Lorena A. Holley, Esquire (w/enclosures) (via U.S. Mail)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate to operate
Water Utility in Lake County, Florida by
Black Bear Reserve Water Company, Inc.

DOCKET NO. 100085-WU

OBJECTION TO APPLICATION

Petitioner, UPSON DOWNS LIMITED PARTNERSHIP ("Upson Downs"), by and through its undersigned attorneys, and pursuant to Rule 28-106.201, Florida Administrative Code, files this Objection to the Application of BLACK BEAR RESERVE WATER COMPANY, INC. ("Black Bear"), for a certificate to operate a water utility in Lake County, Florida to the extent such application purports to include the provision of non-potable water from the existing irrigation system, and in support thereof states:

1. The name and address of Petitioner is:

Upson Downs Limited Partnership
Post Office Box 520
Sorrento, Florida 32776

2. The name and address of the person authorized to receive communications on

behalf of Petitioner is:

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, Florida 32779

3. Petitioner received a copy of the Legal Notice dated June 18, 2010 from another customer. Although Petitioner is a customer of Applicant it did not receive a Legal Notice directly.

4. The disputed issue of material fact is Applicant's alleged ownership of the water distribution system which provides non-potable water to customers for irrigation

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purposes. Such system is owned by Petitioner. Further, Applicant's technical ability to operate a potable water system is in serious question.

5. Applicant has through the use of threats denied Petitioner the ability to operate the non-potable irrigation system. As an accommodation to the Commission Staff, Petitioner agreed not to bill customers for non-potable irrigation water service during the pending of the dispute over ownership and Applicant agreed not to disconnect customers who paid Petitioner directly for non-potable irrigation water service. Petitioner understands that notwithstanding this agreement, Applicant is disconnecting non-potable irrigation water customers. Further, Applicant does not have the technical competency to operate a water system of any kind.

6. Petitioner is entitled to relief pursuant to Section 367.045, Florida Statutes.

WHEREFORE, Petitioner, UPSON DOWNS LIMITED PARTNERSHIP, requests this Commission deny Applicants' application to the extent it purports to authorize Applicant to provide non-potable irrigation water service.

Respectfully submitted this 22nd day of
June, 2010, by:

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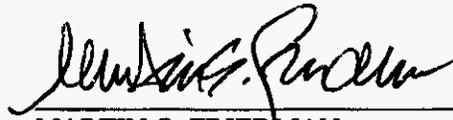
MARTIN S. FRIEDMAN
Florida Bar No.: 199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 100085-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing Objection to Application has been furnished by U. S. Mail to the following parties this 22nd day of June, 2010:

Mr. Wayne Smith
Black Bear Reserve Water Company, Inc.
Post Office Box 440
Eustis, FL 32736

Lorena A. Holley, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 301D
Tallahassee, FL 32399-0850



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